

REMARKS

This application has been reviewed in light of the Office Action dated June 2, 2006. Claims 22-29 and 34-37 are presented for examination, of which Claims 22, 23, 25 and 26 are in independent form. Claims 22, 23, 25, 26 and 34-37 have been amended to define still more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

In the June 2, 2006 Office Action, Claims 22-29 and 34-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,396,537 (Squilla) in view of U.S. Patent No. 5,806,005 (Hull).

As shown above, Applicants have amended independent Claims 22, 23, 25 and 26 in terms that more clearly define what they regard as their invention. Applicants submit that these amended independent claims, together with the remaining claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Claim 22 is directed to an image capture apparatus including: (1) an image capture unit adapted to capture a digital image; (2) a recording unit adapted to record the digital image captured by the image capture unit on a recording medium; (3) a wireless communication unit adapted to transmit the digital image recorded on the recording medium to an external recording apparatus; and (4) a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus. The control unit controls the wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if it is determined by the control unit that the digital image recorded on the recording medium is not already transmitted to

the external recording apparatus. The control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is determined by the control unit that the digital image recorded on the recording medium is already transmitted to the external recording apparatus.

Among other notable features of Claim 22 are a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus, wherein the control unit controls the wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if it is determined by the control unit that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and wherein the control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is determined by the control unit that the digital image recorded on the recording medium is already transmitted to the external recording apparatus.

Squilla does not teach or suggest all of these features and, from the Office Action, it is understood that the Examiner does not disagree.

Squilla relates to a photographic system, including a camera, that is capable of interactive data communication with sources of digital data associated with one or more scenes. The Squilla system includes a processing center arranged to process images photographed by a camera and perform extra services such as albuming. The processing center is also arranged to download information associated with the images via a telecommunication link. If the processing center is an image server center, there is no need for a telecommunication link since the

information is on site.

The Office Action admits, on page 2, that Squilla fails to teach or suggest judging transmission through use of information corresponding to the digital image recorded on the recording medium. However, on page 3, the Office Action appears to suggest otherwise. On page 3, the Office Action cites Figure 2, as disclosing the control unit of Claim 22. Applicants strongly disagree. Figure 2 merely depicts a block diagram of a photographic and data transmission system including, among other things, a microprocessor 76 (Applicants fail to see any control unit 83, as asserted in the Office Action). However, nothing has been found in Figure 2, or anywhere else in Squilla that would teach or suggest a “a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the external recording apparatus,” as recited in Claim 22.

The Office Action also cites Figure 2 as disclosing the first “wherein” clause of Claim 22. Applicants strongly disagree. As discussed above, Figure 2 merely depicts a block diagram of a photographic and data transmission system. There is no suggestion in Figure 2 (or anywhere in Squilla) that a determination is made that a digital image recorded on a recording medium is not already transmitted to an external recording apparatus, much less “wherein said control unit controls said wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if it is determined by said control unit that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, as recited in Claim 22.

The Office Action cites column 6, lines 20-50, as disclosing the second

“wherein” clause of Claim 22. Applicants strongly disagree. The cited passage merely discusses, among other things, that registered users can capture their images, view extra content requests sent to them from a database, and order a set of services. However, nothing has been found in Squilla that would teach or suggest a “wherein said control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is determined by said control unit that the digital image recorded on the recording medium is already transmitted to the external recording apparatus,” as recited in Claim 22.

Hull does not remedy the deficiencies of Squilla.

Hull relates to a portable image capture system including a digital still camera, a cellular telephone transmitter, a central processing unit (CPU), a receiving station, and an image storage device. The digital still camera captures images in digital form and stores the images in a camera memory. The CPU controls the camera memory to cause it to output data representing an image and controls the cellular telephone transmitter to cause a cellular telephone to transmit the data received from the camera memory. The receiving station is coupled to the cellular telephone transmitter by a cellular network to receive image data and store the images.

Hull discusses marking an image read out from a memory 24 so that it can be overwritten, and transmitting the read out image to a server station 14. However, nothing in Hull teaches or suggests determining, prior to image transmission, that the image is marked or not, or controlling the transmission means to avoid retransmission of the image. Thus, Applicants have found nothing in Hull that would teach or suggest “a control unit adapted to determine, using additional information corresponding to the digital image recorded on the recording medium, whether or not the digital image recorded on the recording medium is already transmitted to the

external recording apparatus, wherein said control unit controls said wireless communication unit to transmit the digital image recorded on the recording medium to the external recording apparatus if it is determined by said control unit that the digital image recorded on the recording medium is not already transmitted to the external recording apparatus, and wherein said control unit avoids transmitting the digital image recorded on the recording medium to the external recording apparatus if it is determined by said control unit that the digital image recorded on the recording medium is already transmitted to the external recording apparatus,” as recited in Claim 22.

Accordingly, Applicants submit that a combination of Squilla and Hull, assuming that such combination would even be permissible, would fail to teach or suggest the above-referenced “control unit” feature of Claim 22.

Independent Claim 23 recites features similar to those discussed above with respect to Claim 22 and therefore is believed to be patentable over the cited prior art for at least the same reasons discussed above in connection with Claim 22. Independent Claims 25 and 26 are method claims corresponding to Claims 22 and 23, respectively, and are believed to be patentable over the cited prior art for at least the same reasons as discussed above in connection with Claim 22.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are, therefore, believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Early and favorable continued examination of the present application is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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